

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Dana Crowe-Bonds, on behalf of)
Christopher Crowe,)
)
Plaintiff,) Civil Action No. 5:12-281-RMG
)
vs.)
)
Michael J. Astrue, Commissioner)
of Social Security,) ORDER
)
Defendant.)
)
)

Plaintiff has brought this action pursuant to 42 U.S.C. § 405(g) seeking judicial review of the final decision of the Commissioner of Social Security denying the claimant's application for Disability Insurance Benefits ("DIB"). In accord with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 DSC, this matter was referred to a United States Magistrate Judge for pre-trial handling. The Magistrate Judge issued a Report and Recommendation on January 30, 2013 recommending that the Commissioner's decision be reversed and remanded. (Dkt. No. 25). The Commissioner has advised the Court he does not intend to file objections to the Magistrate Judge's Report and Recommendation. (Dkt. No. 27).

Legal Standard

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is

made. The Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge. 28 U.S.C. § 636(b)(1).

Discussion

The Court has reviewed the Magistrate Judge's Report and Recommendation, the record in this matter, and the applicable statutory and case law. The Court finds that the Magistrate Judge has ably and thoroughly addressed the factual and legal issues in this matter and correctly concluded that the decision of the Commissioner should be reversed and remanded. Therefore, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge as the order of the Court, **REVERSES** the decision of the Commissioner, and **REMANDS** this matter for further proceedings consistent with this opinion pursuant to Sentence Four of 42 U.S.C. § 405(g).

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Judge

February 20, 2013
Charleston, South Carolina